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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

VAUGHN, GREGORY J

ART UNIT PAPER NUMBER

2178

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/725,970

Applicant(s)

YASSIN ET AL.

Examiner

Gregory J. Vaughn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Application History

1. This action is responsive to the Request for Continued Examination, filed on 1/19/2005.
2. Applicant has amended claims 1, 13 and 14. This amendment was originally filed on 12/2/2004, which was after prosecution for this case was closed, per the final office action of 10/21/2004
3. Claims 1-14 are pending in the case, claims 1, 13 and 14 are independent claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."

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5. Claims 1-7, 9 and 11-14 remain rejected under 35 U.S.C. 102(e) as being anticipated by Ferrel et al. US Patent 6,584,480 (filed 10/30/2000, patented 6/24/2003). "*Ferrel et al.*" is hereafter referred to as "*Ferrel*".

6. **Regarding independent claim 1**, Ferrel discloses parsing a mark-up language document, where the document is based upon a subset of a complete markup language grammar, the subset designated for a processing device. Ferrel recites: "*tagged in a newly designed markup language termed herein as the Multimedia Publishing Markup Language (MPML). MPML is a version of the HTML 2.0 with additional extensions for supporting more detailed tagging of structure as well as embedded OLE objects*" (column 3, lines 63-67). Ferrel disclose in Figure 18 a document processed for a particular device at reference sign 1056b, where the markup language grammar is designated for the particular device at reference sign 1054b (shown as Style Sheet B).

Ferrel disclose a result of the parsing to control operation of the processing device. Ferrel recites: "*The actual process of parsing the content is discussed in more detail below in reference to FIG. 14. However, the parsing process that takes place at state 590 converts the MDF file into a parsed content tree having a single root with multiple nodes and branches*" (column 24, lines 40-44).

7. **Regarding dependent claim 2**, the claim is directed toward a scalable parser that can implement a plurality of different subsets of the complete

markup language grammar. Ferrel recites: *"The high level object parser, called the document type descriptor (DTD) manager understands the descriptions of tags in the text. It responds to events generated by the low-level parser and actually creates the parse tree. The high-level object also provides information to the low-level parser about tags defined by the DTD manager"* (column 31, lines 32-37).

8. **Regarding dependent claim 3**, the claim is directed toward a micro or macro parser. Ferrel recites: *"The first object is a low-level SGML parser which is a recursive decent parser which reads tagged content and generates events"* (column 30, lines 9-11) and *"Input characters not listed for each state have no effect on the current state and cause no events to be generated to the high-level parser"* (column 30, lines 25-27).
9. **Regarding dependent claim 4**, the claim is directed toward the macro parser implements a superset of the grammar of the micro parser. Ferrel recites: *"The high level object parser, called the document type descriptor (DTD) manager understands the descriptions of tags in the text. It responds to events generated by the low-level parser and actually creates the parse tree. The high-level object also provides information to the low-level parser about tags defined by the DTD manager"* (column 31, lines 32-37).
10. **Regarding dependent claim 5**, the claim is directed toward presenting information to a user. Ferrel discloses presenting information to a user in Figure 6.

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11. **Regarding dependent claims 6 and 7**, the claims are directed toward presented information having visual characteristics (claim 6) and audio characteristics. Ferrel discloses in Figure 2, a multimedia publishing system at reference sign 102, with sound (reference sign 190) and images (reference sign 192).
12. **Regarding dependent claim 9**, the claim is directed toward the processing device being a personal digital assistant. Ferrel recites: *"In addition, the MP system is device independent in that the tagged content can be displayed with high quality on many different devices. For example, a content provider can create a title just once, but the title can be viewed on a VGA screen with one column, a printer with many columns, a small screen personal digital assistant (PDA), an interactive television (ITV) system, a fax machine, or a notebook computer. Different styles can be applied to each of these devices so that the displayed content is formatted appropriately"* (column 36, line 65 to column 37, line5).
13. **Regarding dependent claim 11**, the claim is directed toward specific list of mark-up language grammar elements. Ferrel discloses the use of one or more of these elements in the code definitions provided in column 22, lines 55-67; or the code samples provided in column 30, line 28 to column 31, line 29.
14. **Regarding dependent claim 12**, the claim contains substantially the same subject matter as claim 3, and is rejected with the same rational.

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15. **Regarding dependent claims 13 and 14**, the claims contain substantially the same subject matter as claim 1, and are rejected with the same rational.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

“(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.”

17. Claims 8 and 10 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrel.

18. **Regarding dependent claims 8 and 10**, the claim is directed toward the processing device being a wireless telephone (claim 8) or a remote control (claim 10). Ferrel discloses a variety of processing devices as described above. Ferrel fails to disclose a wireless phone or a remote control. However, Ferrel discloses a personal digital assistant, which is a common and well-known wireless device. A wireless telephone and a remote control are also common and well-known wireless devices.

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to expand the wireless capabilities of Ferrel to

include phones and remote controls in order to allow “*content providers to offer rich, interactive multimedia applications and services, providing users a compelling and exciting on-line experience*” (Ferrel, column 6, lines 20-22).

Response to Arguments

19. Applicant's arguments filed 12/2/2004 have been fully considered but they are not persuasive.

20. **In the amendment filed 12/2/2004**, the applicant states: “*The present invention provides a scalable parser that parses, translates, XML code into data understood by an application's interface (API). The parser does not have the ability to translate the entire XML programming language, only those parts that are most useful. The inventive parser acts like a translator between the XML document and the API, but only with limited knowledge of the XML language. Limits on the knowledge are set by the computational power and memory capacity of the device on which the API resides. The limited knowledge may be increased or decreased, depending on need, making the parser scalable*” (page 5, fourth paragraph).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *The parser does not have the ability to translate the entire XML programming language, only those parts that are most useful. The inventive parser acts like a translator between the XML document and the*

API, but only with limited knowledge of the XML language. Limits on the knowledge are set by the computational power and memory capacity of the device on which the API resides. The limited knowledge may be increased or decreased, depending on need, making the parser scalable) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

21. **Regarding Independent claims 1 and 14**, the applicant recites: "*There is no "parsing in Ferrel, only formatting"* (page 5, fifth paragraph of the amendment filed 12/2/2004). The applicant is directed to the rejection of claims 1 and 14 as restated above. In further support of this rejection, Ferrel clearly discloses parsing. Ferrel recites: "*Still another aspect of the present invention is a method for efficiently transmitting tagged content to a computer in an on-line publishing system, comprising creating a tagged document on a host computer, parsing the tagged document into a parse tree comprising a plurality of objects, and transmitting the objects to a second computer"* (column 4, lines 33-38).

22. **Also, regarding Independent claims 1 and 14**, the applicant recites: "*in amended claims 1 and 14, the subset, not the grammar, is designated for the processing device"* (page 5, sixth paragraph of the amendment filed 12/2/2004). The applicant is directed to the rejection of claims 1 and 14 as

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restated above. In claims 1 and 14, the complete wording of the limitation in question is:

"parsing an extensible mark-up language document using a subset of a complete extensible mark-up language grammar, the subset designated for the processing device"

The limitation "*the subset*" recited in the second clause of the sentence has an antecedent basis in the first clause of the sentence wherein "*the subset*" is defined as "*a subset of a complete extensible mark-up language grammar*". The examiner has interpreted the meaning of the term "*the subset*" in light of this definition provided earlier in the claim. The subset is an "*extensible mark-up language grammar*", and as recited in the claim, "*the subset is designated for the processing device*".

23. **Also, regarding Independent claims 1 and 14,** the applicant recites:

"The present invention parses information, which by definition, modifies the information" (page 6, first paragraph of the amendment filed 12/2/2004). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *modifies the information*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, the definition for parse, as stated in the Computer Dictionary, by Microsoft Press, published in 1997, on page 355 is "*To break input into smaller chunks so that*

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a program can act upon the information", which is not the same as *"modifying information"*.

24. **Also, regarding Independent claims 1 and 14**, the applicant recites:

"Ferrel, therefore, does not "parse an extensible markup document" as recited in claim 1" (page 6, first paragraph of the amendment filed 12/2/2004). The applicant is directed to the rejection of claims 1 and 14 as restated above, and to paragraph 21 above for remarks related to parsing.

25. **Regarding Independent claim 13**, the applicant recites: *"A "parser" is a program that determines how a given statement in a language could be derived from the grammar of the language, producing a parse tree or other information about the statement as output"* (page 6, second paragraph of the amendment filed 12/2/2004). The applicant is directed to the rejection of claim 13 as restated above. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the second definition of parsing provided in the remarks) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). See also the definition of parsing recited above in paragraph 23.

26. **Also, regarding Independent claim 13**, the applicant recites: *"there is no parsing in Ferrel"* and *"Ferrel does not parse a document"* (page 6, second

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and third paragraphs of the amendment filed 12/2/2004). The applicant is directed to the rejection of claim 13 as restated above. See also paragraph 21 above for remarks related to parsing.

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Conclusion

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
April 19, 2005


STEPHEN HONG
SUPERVISORY PATENT EXAMINER